

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION**

IN RE: \$396,000.00 IN INTERPLEADED FUNDS

CASE NO. 3:18-CV-3059

AGREED ORDER OF DISCHARGE AND FINAL JUDGMENT

Now before the Court is the parties' Joint Motion for Approval of Proposed Agreed Order of Discharge and Final Judgment (Doc. 22). The Motion is **GRANTED**. The following facts are stipulated to by the parties:

1. This is an action for interpleader pursuant to Rule 22 of the Federal Rules of Civil Procedure to determine entitlement to certain proceeds payable by reason of the death of Kenneth Farley ("Kenneth"), who was insured under a group life insurance policy (the "Policy") issued by Liberty Life Assurance Company of Boston ("Liberty Life") to Kenneth's employer, Nucor Corporation ("Nucor").

2. As of July 22, 2017, Kenneth had \$99,000.00 in basic group life insurance coverage and \$297,000.00 in optional life coverage under the Policy. The total death benefit payable pursuant to the Policy by reason of Kenneth B. Farley's death is \$396,000.00 ("Insurance Proceeds" or "Disputed Funds").

3. Each of the Defendants in this matter have a claimed and/or potential interest in the Insurance Proceeds. Due to competing claims, Liberty Life made no distribution of the Insurance Proceeds, and Liberty Life and Nucor jointly filed their Complaint for Interpleader on May 31, 2018. Thus, the total amount of Insurance Proceeds that remain at issue in this matter is \$396,000.00.

4. Each of the Defendants has appeared and answered the Complaint.

5. Liberty Life and Nucor have incurred no independent liability to any of the Defendants and did not create the situation which caused the conflicting claims.

6. On June 4, 2018, Liberty Life filed a Motion to Deposit Funds (Doc. 7). On August 13, 2018 the Court entered an Order on Interpleader Deposit and Restyling of the Case (Doc. 20).

7. Pursuant to the Court's Order, Liberty Life deposited the Insurance Proceeds into the Court's registry.

8. Liberty Life and Nucor do not claim any interest in the Insurance Proceeds, and the remaining parties have now settled all matters between them.

9. The Parties stipulate and agree to the distribution by the Clerk of this Court of 100% of the Disputed Funds, including accumulated interest, if any, to "McDaniel Law Firm, PLC and Jon Walters, as Personal Representative of Estate of Jane Farley."

WHEREFORE, for good cause shown, it is **ORDERED, ADJUDGED, AND DECREED** as follows.

1. The Clerk of Court shall distribute the total amount of funds deposited in the Court's registry for this case, including any accumulated interest, to "McDaniel Law Firm, PLC and Jon Walters, as Personal Representative of Estate of Jane Farley." Said disbursement shall be sent to: Brett McDaniel, McDaniel Law Firm, PLC, 400 S. Main, Jonesboro, AR 72401.

2. Defendants are permanently enjoined from instituting or prosecuting any other proceedings against Liberty Life or Nucor and their parents and affiliates relating to the life insurance proceeds at issue in this matter.

3. In the event that it is determined that any other person not yet joined as a party to this action may make a claim for, or be entitled to, the funds at issue in this matter, that person is subject to the provisions of this Order.

4. Liberty Life and Nucor are fully and finally discharged from all further liability as to any claims of Defendants related to, arising from, or having any connection with the Insurance Proceeds at issue in this matter or the respective benefit plans.

5. The parties are each to bear their own fees and costs.

IT IS SO ORDERED AND ADJUDGED on this 24th day of September, 2018.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE